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COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

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No. 423130-5-II

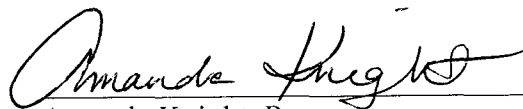
IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,
Respondent,

v.

AMANDA KNIGHT,
Appellant.

STATEMENT OF ADDITIONAL GROUNDS



Amanda Knight, Pro se
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Appellant, Amanda Knight, submits the following additional grounds pursuant to RAP 10.10

Assignments of Error.

Ground One:

Appellant's sentence was imposed in violation of her right to a jury trial under Washington Constitution, Article I, § 21, because her jury was not properly instructed on the applicable law, that they may individually vote "no" on the special verdict aggravating factor and firearm enhancement, for which an exceptional sentence and consecutive firearm enhancements were imposed. This error was compounded by the use of the instruction declared erroneous in *State v. McKim*, 98 Wn.2d 111, 119, 653 P.2d 1040 (1982).

a. The Appellant's sentence included six consecutive firearm enhancements based on the special verdicts, resulting in an additional 312 months of imprisonment served as "flat time".

b. The trial court provided an instruction to the jury with the error identified in *State v. Bashaw*, 169 Wn.2d 133, 145-48, 234 P.3d 195 (2010), and *State v. Campbell*, 163 Wn.App. 394, 401, ____ P.3d ____ (2011). This error was compounded by the use of the instruction declared erroneous in *State v. McKim*, 98 Wn.2d 111, 119, 653 P.2d 1040 (1982).

c. The *Bashaw* Court presumed the instruction to be prejudicial, ruling that **cannot** be found harmless beyond a reasonable doubt, and relief is required.

STATEMENT OF THE CASE

The Appellant essentially concurs with counsel's statement of the case, with the exception of the designation of the "shooter", on p. 4.

ARGUMENT

Ground One:

Appellant's sentence was imposed in violation of her right to a jury trial under Washington Constitution, Article I, § 21, because her jury was not properly instructed on the applicable law, that they may individually vote "no" on the special verdict aggravating factor and firearm enhancement, for which an exceptional sentence and consecutive firearm enhancements were imposed. This error was compounded by the use of the instruction declared erroneous in *State v. McKim*, 98 Wn.2d 111, 119, 653 P.2d 1040 (1982).

Challenges to jury instructions are reviewed de novo. *State v. Bennett*, 161 Wn.2d 303, 307, 165 P.3d 1241 (2007). Unanimous jury verdicts are required in Washington criminal cases, *State v. Stephens*, 93 Wn.2d 186, 190, 607 P.2d 304 (1980). Wash. Const. Art. I, § 21. *State v. Goldberg*, 149 Wn.2d 888, 895, 72 P.3d 195 (2003),

"Applying the *Goldberg* rule to the present case, the jury instruction stating that all 12 jurors must agree on an answer to the special verdict was an incorrect statement of the law", *State v. Bashaw*, 169 Wn.2d 133, 145-48, 234 P.3d 195 (2010).

“Proper jury instructions for the special verdicts must similarly inform the jurors how to answer “yes” or “no” both individually and collectively.” “[t]he instruction did not accurately inform the jurors of the law and, thus, was erroneous”, *State v. Campbell*, 163 Wn.App. 394, 401, ____ P.3d ____ (2011).

“Instruction satisfies requirement of fair trial when, taken as whole, it properly informs jury of applicable law”, *City of Yakima v. Irwin*, 70 Wn.App. 1, 10, 851 P.2d 724 (1993), review denied, 122 Wn.2d 1022, 863 P.2d 1353 (citing *State v. Mark*, 94 Wn.2d 520, 526, 618 P.2d 73 (1980)).

“In order to hold that a jury instruction was harmless, “we must ‘conclude beyond a reasonable doubt that the jury verdict would have been the same absent the error’”, *State v. Brown*, 147 Wn.2d 330, 341, 58 P.3d 889 (2002)(quoting *Neder v. United States*, 527 US 1, 19, 119 s.Ct. 1827, 144 L.Ed.2d 35 (1999))”, *Bashaw*, supra at 147.

a. The Appellant's sentence included two aggravating factors, and consecutive firearm enhancements based on the special verdicts.

The Appellant's Judgment and Sentence, at page 6, attached as Appendix I, shows that the court imposed a 60 month firearm enhancement on Count I, a 60 month firearm enhancement on Count II, a 36 month firearm enhancement on Count III, a 60 month firearm enhancement on Count IV, a 36 month firearm enhancement on Count V and a 60 month firearm enhancement on Count VI. This is a total of 312 months of confinement based solely on the special verdict enhancements, in addition to a 548 month substantive base sentence for the underlying offenses.

The jury was additionally proffered two aggravating factors for each of the six counts, and rejected all of them.

The additional 312 months of confinement improperly found represents prejudice to the Appellant.

b. The trial court provided an instruction to the jury with the error identified in *State v. Bashaw*, 169 Wn.2d 133, 145-48, 234 P.3d 195 (2010), and *State v. Campbell*, 163 Wn.App. 394, 401, ____ P.3d ____ (2011). This error was compounded by the use of the instruction declared erroneous in *State v. McKim*, 98 Wn.2d 111, 119, 653 P.2d 1040 (1982).

The trial court provided, among the instructions, Numbers 35, 40 – 44, and 45. Number 35 states as follows:

“When you begin deliberating, you should first select a presiding juror. The presiding juror’s duty is to see that you discuss the issues in this case in an orderly and reasonable manner, that you discuss each issue submitted for your decision fully and fairly, and that each one of you has a chance to be heard on every question before you.

During your deliberations, you may discuss any notes you have taken during the trial, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes and memory as to the testimony presented in this case. Testimony will rarely, if ever, be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask the court a legal or procedural question that you have been unable to answer, write the question out simply and clearly. For this purpose, use the form provided in the jury room. In your question, do not state how the jury has voted. The presiding juror should sign and date the question and give it to the judicial assistant. I will confer with the lawyers to determine what response, if any, can be given.

You will be given the exhibits admitted in evidence, these instructions, and 6 verdict forms for recording your verdict. Some exhibits and visual aids may have been used in court but will not go with you to the jury room. The exhibits that have been admitted into evidence will be available to you in the jury room.

You must fill in the blank provided in each verdict from the words "not guilty" or the word "guilty", according to the decision you reach.

You will also be given special verdict forms for the crime of Murder in the First Degree as charged in Count I, Robbery in the First Degree as charged in Count II, Assault in the Second Degree as charged in Count III, Robbery in the First Degree as charged in Count IV, Assault in the Second Degree as charged in Count V, and Burglary in the First Degree as charged in Count VI. If you find the defendant not guilty of any of these crimes, do not use the special verdict forms for that count. If you find the defendant guilty of any of these crimes, you will then use the special verdict forms. In order to answer the special verdict forms "yes", all twelve of you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. If you do not unanimously agree that the answer is "yes" then the presiding juror should sign the section of the special verdict form indicating that the answer has been intentionally left blank.

Because this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the verdict forms to express your decision. The presiding juror must sign the verdict forms and notify the judicial assistant. The judicial assistant will bring you into court to declare your verdict."

Instruction number 45 states as follows:

“INSTRUCTION NO. 45

For purposes of a special verdict, the State must prove beyond a reasonable doubt that the defendant was armed with a firearm at the time of the commission of the crime in Counts I, II, III, IV, V, and VI.

If one participant in a crime is armed with a firearm all accomplices to that participant are deemed to be so armed, even if only one firearm is involved.

A “firearm” is a weapon or device from which a projectile may be fired by an explosive such as gunpowder.”

“The court must evaluate each instruction ‘in the context of the instructions as a whole’. *Benn*, 120 Wn.2d at 655”, *State v. Brett*, 126 Wn.2d 136, 171, 892 P.2d 29 (1995).

Given the wording of the referenced instructions, the court can see that one sentence of the instruction was modified in deference to the *Bashaw* decision so little as to not even rate as a sop in the face of an error of constitutional magnitude. Further, it means absolutely nothing when followed immediately by the exact statement declared offensive in *Bashaw*, “Because this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the verdict forms to express your decision.” See *Bashaw*, supra at 147.

Further, it is *still* not a correct statement of the applicable law, as the jury should literally be told that they may individually vote “no” on a special verdict, *State v. Campbell*, 163 Wn.2d 394, 401, ____ P.3d ____ (2011).

“Proper jury instructions for the special verdicts must similarly inform the jurors how to answer “yes” or “no”, both individually and collectively.”

Therefore, minus any instruction to the contrary, this court must presume that the jury in the instant case given instructions both giving a confusing misstatement of the law, and insisting on unanimity, as well as an *incorrect* statement of the law, one cannot conclude beyond a reasonable doubt how the jury would have voted had they been instructed correctly, *Bashaw*, *supra* at 147 – 48.

Add to this the instruction above, which was declared erroneous in *State v. McKim*, 98 Wn.2d 111, 119, 653 P.2d 1040 (1982), which held,

“Since the jury was not properly instructed on the elements and standard of proof regarding the deadly weapon allegation, we must strike the special verdict as to the deadly weapon penalty enhancement.”

That this prejudiced the Appellant is clear, as the jurors were also proffered two special verdict aggravating factors for each of the six counts, also with the instruction declared erroneous in *Bashaw* and *Campbell*, yet the jury rejected *all of them*.

Instruction No. 45 further pollutes the jury's understanding of the law regarding reasonable doubt as well as their duty under it, and all but entirely removes their ability to express any reasonable doubts they may have had, to say the very least. At most it is tantamount to a directed verdict. This, in conjunction with the instruction with the errors identified in *Bashaw* and *Campbell* which also remove the jury's lawful ability to individually vote "no" on a special verdict, and in fact essentially removed the jury's ability to express *any* reasonable doubt on behalf of the defendant.

The remedy in *McKim* and its progeny was to remand the case to the trial court for resentencing without the special verdict. *Id.* See also *State v. Belmarez*, 101 Wn.2d 212, 215, 676 P.2d 492 (1984) (same); *State v. Rice*, 102 Wn.2d 120, 126-27, 683 P.2d 199 (1984) (same);

The Appellant would also point out that "where an instruction invades a constitutional right of the accused (such as the right to a jury trial), it is not necessary, in order to have such error reviewed, that an exception be taken and called to the attention of the trial court", *State v. Peterson*, 93 Wn.2d 303, 306, 438 P.2d 183 (1968) (internal citations and footnote omitted).

c. The *Bashaw* Court presumed the instruction to be prejudicial, ruling that **cannot** be found harmless beyond a reasonable doubt, and relief is required.

“This court presumes that the jury reads the court’s instructions as a whole”, *State v. Pettus*, 89 Wn.App. 688, 696, 951 P.2d 284 (1998) (citing *State v. McLoyd*, 87 Wn.App. 66, 71, 939 P.2d 1255 (1997)).

Washington Constitution, Article I, § 21, guarantees,

“The right to trial by jury shall remain inviolate”.

“The standard for clarity in a jury instruction is higher than for a statute; while we have been able to resolve the ambiguous wording of [a statute] via statutory construction, a jury lacks such interpretive tools and thus requires a manifestly clear instruction.” *State v. LaFaber*, 128 Wn.2d 896, 902, 913 P.2d 369 (1996).

“Instructions, read as a whole, must make the **relevant** legal standard ‘manifestly apparent to the average juror’ Id. at 900”, *State v. Irons*, 101 Wn.App. 544, 550 4 P.3d 174 (2000) (emphasis mine); *State v. Ring*, 52 Wn.2d 423, 436-37, 325 P.2d 730 (1958) (error affecting a substantial right cannot be found harmless regardless of strength of evidence).

“Instruction satisfies requirement of fair trial when taken as whole, it properly informs the jury of the applicable law”, *City of Yakima v. Irwin*, 70 Wn.App. 1, 10, 851 P.2d 724 91993), review denied, 122 Wn.2d 1022 863 P.2d 73 (1980)).

The applicable law, as ruled in *Bashaw*, is that it is error to instruct a jury that they must be unanimous in order to vote “no” on a special verdict, and to do so is an “incorrect statement of the law”, *supra* at 147.

It is likewise an incorrect statement of the law to proffer a “neutral” instruction which still fails to correctly inform the jury of the applicable law, *State v. Campbell*, 163 Wn.App. 394, 401, ____ P.3d ____ (2011).

Therefore, the instruction in the instant case is in violation of that right. “[v]iolation of a defendant’s constitutional rights is presumed to be prejudicial. *State v. Burri*, 87 Wn.2d 175, 181, 550 P.2d 507 (1976)”, *State v. Stephens*, 93 Wn.2d 186, 190-91, 607 P.2d 304 (1980) (quoting *Chapman v. California*, 386 US 18, 24, 17 L.Ed.2d 705, 87 S.Ct. 824, 24 ALR3d 1065 (1967); accord, *State v. Johnson*, 71 Wn.2d 329, 244-45, 427 P.2d 705 (1967)).

The *Bashaw* Court rejected the State's argument that the jury had been polled and the jurors affirmed the verdict. The Court made a significant holding with the assertions:

“this argument misses the point. The error here was the procedure by which unanimity would be inappropriately achieved.

...The result of the flawed deliberative process tells us little about what result the jury would have reached had it been given a correct instruction. *Goldberg* is illustrative. There, the jury initially answered “no” to the special verdict, based on a lack of unanimity, until told it must reach a unanimous verdict, at which point it answered “yes”, *Id.* at 891-93, 72 P.3d 1083. Given different instructions, the jury returned different verdicts.” *Bashaw*, at 147.

The Court finished that recitation with these reasons.

“We can only speculate as to why this might be so. For instance, when unanimity is required, jurors with reservations might not hold to their positions or may not raise additional questions that would lead to a different result. We cannot say with any confidence what might have occurred had the jury been properly instructed. We therefore cannot conclude beyond a reasonable doubt that the jury instruction error was harmless”, *Bashaw*. 169 Wn.2d at 147-48.

The Court presumed the error to be prejudicial, and it *cannot* be found harmless. In this case, the prejudice is represented by an additional 312 months confinement, served as “flat time” beyond the base sentences.

The Appellant submits that there is ample reason to see the same lack of confidence here. The jury rejected *both* aggravating factors proffered *on all six charges* in spite of the existence of the errors found by both the *Bashaw* and *Campbell* Courts.

The jury here answered “yes” only on the firearm enhancements where there was virtually a directed verdict caused by the use of the instruction rejected in *McKim* and the ability to individually vote “no” on the firearm enhancements were taken away. App. III. Relief is required in vacating the special verdicts, with instructions to resentence without them, for the reasons held in *Bashaw*, at 146-47:

“The rule we adopted in *Goldberg* and reaffirm today serves several important policies. First, we have previously noted that “[a] second trial exacts a heavy toll on both society and defendants by helping to drain state treasuries, crowding court dockets, and delaying other cases while also jeopardizing the interest of defendants due to the emotional and financial strain of successive defenses.” *State v. Labanowski* 117 Wn.2d 405, 420, 816 P.2d 26 (1991). The costs and burdens of a new trial, even if limited to the determination of a special finding, are substantial. We have also recognized a defendant’s “‘valued right’ to have the charges resolved by a particular tribunal.” *State v. Wright*, 165 W.2d 783, 792-93, 203 P.3d 1027 (2009) (internal quotation marks omitted) (quoting *Arizona v. Washington*, 434 US 497, 503, 98 S.Ct. 824, 54 l.Ed.2d 717 (1978)). Retrial of a defendant implicates core concerns of judicial economy and finality. Where, as here, a defendant is already subject to a penalty for the underlying substantive offense, the prospect of an additional penalty is strongly outweighed by the countervailing policies of judicial economy and finality.”

The Supreme Court designated this as a rule for relief. In *Bashaw*, the Court repeated that the error was not one of jury coercion, but error for the court to have instructed the jury that they must be unanimous to vote “no” on the special verdict, stating it was an incorrect statement of the law, *supra* at 146-47. The rule adopted in *Goldberg* was that 1) that unanimity is not required to vote “no” on a special verdict, and; 2) the trial court did not have authority under CrR 6.16 to order deliberations to unanimity, therefore; 3) the remedy is to vacate the aggravating factor, *supra* at 894. Since *Bashaw* did not involve an aggravating factor to a charge of first degree murder, they clarified that the part of the rule to *vacate, rather than reverse*, “was not compelled by constitutional protections against double jeopardy”, *supra* at 146 n. 7, but did serve “several important policies”. While *serving* these, it only leaves the *cause* for the rule to be the trial court having done so without authority under court rule, “That authority does not exist with respect to a jury’s answer to a special finding as given in this case”, *Goldberg*, *supra* at 894.

Interpretation of a court rule utilizes the same principles as that of a statute, *City of Bellevue v. Hellenthal*, 144 Wn.2d 425, 431, 28 P.3d 744 (2001) (internal citations omitted); The cardinal principle is to ascertain and carry out the intent of the drafting body, and there is no question of retroactivity, *State v. Moen*, 129 Wn.2d 535, 538-39, 919 P.2d 69 (1996) (citing *In re Vandervlugt*, 120 Wn.2d 427, 436, 842 P.2d 950 (1992); *In re Moore*, 116 Wn.2d 30, 37, 803 P.2d 300 (1991); *State v. Darden*, 99 Wn.2d 675, 663 P.2d 1352 (1983). This has now been determined to be what the rule has meant since its enactment, *Darden*, supra at 679 (internal citations omitted). It is therefore applicable to cases back to the date of its enactment.

In the alternative, the Appellant submits that because the instruction fails to properly instruct a jury on the proper law regarding reasonable doubt, this error is one of per se prejudicial error as shown in *In re Gunter*, 102 Wn.2d 769, 689 P.2d 1074 (1984). The instructions in the instant case failed to inform the jury that they may individually vote “no” on the special verdict to express reasonable doubt.

The Petitioner submits that the instruction which, while others define reasonable doubt, takes away the means to express it, has one foot planted squarely over the line of the still per se prejudicial error. *Gunter* specifically addressed the “prejudicial effect of the failure to instruct on the reasonable doubt relative to the [] allegation for purposes of sentence enhancement”. Id. at 774. Any instruction which takes that duty or ability away, violates the above standard from *Bashaw*.

The *Gunter* court cited *State v. Cox*, 94 Wn.2d 170, 174, 615 P.2d 465 (1980), which explains:

“there are two indispensable functions that must be performed by the jury instructions in any criminal case: (1) To declare that each element of the crime must be proven beyond a reasonable doubt, and define the standard of reasonable doubt; and (2) To state that the burden is upon the “State to prove each element of the crime by that standard”. *McHenry*, at 214¹. The **function** of informing the jury of the reasonable doubt standard can only be achieved by a specific instruction. Therefore when, as in the *McHenry* case, the jury instructions fail to include a specific instruction on reasonable doubt, the omission is per se reversible error.” (emphasis mine) (footnote omitted).

Either rule would serve the important policies identified by the Court in *Bashaw*, as well as the ends of justice for the Appellant. She asks that this Court vacate her special verdict firearm enhancements with instructions to resentence without them. Convening a jury to “re-find” them would violate the rule and the policies that the *Bashaw* Court has already stated “strongly outweighed” the reasons to do otherwise. She humbly thanks this Court for its consideration.

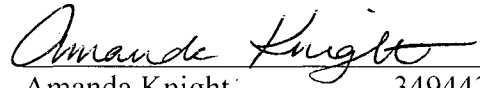
CONCLUSION

The Appellant's sentence includes six consecutive firearm enhancements totaling 312 additional months of confinement to be served as "flat time". This was the result of having given the jury the incorrect statements of the law contained in the special verdict instructions declared error in *Bashaw* and *Campbell*. This was compounded by the use of the instruction declared erroneous in *McKim*. Its effect is clear where the jury rejected both aggravating factors on all six counts in spite of the present errors of *Bashaw* and *Campbell*.

As the Appellant has the right under our State Constitution to correct instructions of the applicable law, this was a violation.

The Courts vacated the special verdicts in all of the cases proffered on this issue, and relief is warranted here. The Appellant begs the Court to vacate the special verdict firearm enhancements with instructions to resentence without them, as the Supreme Court held that the prospect of an additional penalty is "strongly outweighed" by judicial economy and finality. Even more so than *Bashaw*, the Appellant is not under a small penalty for the underlying substantive offense, but the enormous burden of a 548 month base sentence. The Appellant humbly thanks the Court for its consideration.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Amanda Knight". The signature is written in black ink and is positioned above a horizontal line.

Amanda Knight; 349443
Washington Corr. Center for Women
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No. 42~~2~~130-5-II

STATE OF WASHINGTON,
Respondent,

v.

AMANDA KNIGHT,
Appellant.

Appendix I Judgment & Sentence Cause No. 10-1-01903-2

Case Number: 10-1-01903-2 Date: May 16, 2011

SerialID: FAE0FC1-F20D-AA3E-594F2A1F7105FF45

Digitally Certified By: Kevin Stock Pierce County Clerk, Washington

10-1-01903-2

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

FILED
DEPT. 6
IN OPEN COURT

MAY 13 2011

Pierce County Clerk
DEPUTY

STATE OF WASHINGTON,

Plaintiff, CAUSE NO 10-1-01903-2

vs

AMANDA CHRISTINE KNIGHT

Defendant.

JUDGMENT AND SENTENCE (JS)

☒ Prison ☐ RCW 9A.712 Prison
Confinement☐ Jail One Year or Less☐ First-Time Offender☐ Special Sexual Offender Sentencing Alternative☐ Special Long-Term Sentencing Alternative☐ Probation/Treatment (B)(1)☐ Clerk's Action Required, para 4.5 (SDOSA),

4.6 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

☐ Juvenile Decline ☐ Mandatory ☐ Discretionary

I HEARING

1. A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS

2. CURRENT OFFENSE(S) The defendant was found guilty on April 14, 2011

by plea ☒ jury-verdict ☐ bench trial of

COUNT	CRIME	RCW	IMPRISONMENT TYPE	DATE OF CRIME	INCIDENT NO
I	MURDER IN THE FIRST DEGREE (D3)	9A.32.050(1)(a) 9A.10.010 9A.32A.533(9) 9A.510 9A.32A.530 9A.32A.535(3)(a) 9A.32A.535(3)(m) 9A.32A.535(2)(c)	F	04/28/10	PCSO # 101181333
II	ROBBERY IN THE FIRST DEGREE (AAA1)	9A.56.190 9A.56.200(1)(a)(i) 9A.10.010	F	04/28/10	PCSO # 101181333

JUDGMENT AND SENTENCE (JS)
(Felony) (7/2007) Page 1 of 12Office of Prosecuting Attorney
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Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

11-9-05544-4

COUNT	CRIME	RCW	ENHANCEMENT TYPE	DATE OF CRIME	INCIDENT NO
		9.94A.533/9.94A.510 9.94A.530 9.94A.535(3)(a) 9.94A.535(3)(m) 9.94A.535(2)(c)			
III	ASSAULT IN THE SECOND DEGREE (E26)	9A.36.021(1)(a) 9A.36.021(1)(c) 9.41.010 9.94A.533/9.94A.510 9.94A.530 9.94A.535(3)(a) 9.94A.535(3)(m) 9.94A.535(2)(c)	F	04/28/10	PCSO # 101181333
IV	ROBBERY IN THE FIRST DEGREE (AAA1)	9A.56.190 9A.56.200(1)(a)(i) 9.41.010 9.94A.533/9.94A.510 9.94A.530 9.94A.535(3)(a) 9.94A.535(3)(m) 9.94A.535(2)(c)	F	04/28/10	PCSO # 101181333
V	ASSAULT IN THE SECOND DEGREE (E26)	9A.36.021(1)(a) 9A.36.021(1)(c) 9.41.010 9.94A.533/9.94A.510 9.94A.530 9.94A.535(3)(a) 9.94A.535(3)(m) 9.94A.535(2)(c)	F	04/28/10	PCSO # 101181333
VI	BURGLARY IN THE FIRST DEGREE (G2A)	9A.52.020(1)(a)(b) 9.41.010 9.94A.533/9.94A.510 9.94A.530 9.94A.535(3)(a) 9.94A.535(3)(m) 9.94A.535(2)(c)	F	04/28/10	PCSO # 101181333

(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Ven. Hum. See RCW 46.61.520, (JF) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9A.53.010. (If the crime is a drug offense, include the type of drug in the second column.)

as charged in the CORRECTED SECOND AMENDED INFORMATION

- [X] A special verdict/finding for use of firearm was returned on Count(s) I, II, III, IV, V, VI RCW 9.94A.602, 9.94A.533.
- [] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- [] Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number)

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2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	MURDER 1 ST	CURRENT	PIERCE CO	04/28/10	A	SV
2	ROBBERY 1 ST	CURRENT	PIERCE CO	04/28/10	A	V
3	ASSAULT 2 ND	CURRENT	PIERCE CO	04/28/10	A	V
4	ROBBERY 1 ST	CURRENT	PIERCE CO	04/28/10	A	V
5	ASSAULT 2 ND	CURRENT	PIERCE CO	04/28/10	A	V
6	BURGLARY 1 ST	CURRENT	PIERCE CO	04/28/10	A	V

☐ The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA.

COUNT NO	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancements)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancements)	MAXIMUM TERM
I	10	XV	411 - 548 MOS.	60 MOS	471 - 608 MOS.	LIFE
II	10	IX	129 - 171 MOS	60 MOS.	189 - 231 MOS	LIFE
III	10	IV	63 - 84 MOS	36 MOS	99 - 120 MOS	10 YRS
IV	10	IX	129 - 171 MOS	60 MOS	189 - 231 MOS	LIFE
V	10	IV	63 - 84 MOS	36 MOS	99 - 120 MOS.	10 YRS
VI	10	VII	51 - 116 MOS	36 MOS	147 - 176 MOS.	LIFE

2.4 ☐ EXCEPTIONAL SENTENCE Substantial and compelling reasons exist which justify an exceptional sentence.

☐ within ☐ below the standard range for Count(s) _____

☐ above the standard range for Count(s) _____

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ The following facts were ☐ stipulated by the defendant, ☐ found by the court after the defendant has been given the opportunity to be heard.

The following facts were stipulated by the defendant, ☐ found by the court after the defendant has been given the opportunity to be heard. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

☐ The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:

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26 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are ☐ attached ☐ as follows.

III. JUDGMENT

31 The defendant is GUILTY of the Counts and Charges listed in Paragraph 2.1

3.2 ☐ The court DISMISSES Counts _____ ☐ The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED

31 Defendant shall pay to the Clerk of this Court Pierce County, Clerk 90 Tacoma Ave #110 Tacoma WA 98402:

JASS CODE

RTN/RIN \$ 6.00 Restitution to: CVC # VM40106 ; VM40104

\$ _____ Restitution to: _____
(Name and Address - address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment

DNA \$ 100.00 DNA Database Fee

PUB \$ 2,000.00 Court-Appointed Attorney Fees and Defense Costs

FRC \$ 200.00 Criminal Filing Fee

FCM \$ _____ Fine

CLF \$ _____ Crime Lab Fee ☐ deferred due to indigency

WFR \$ _____ Witness Costs

JFR \$ _____ Jury Fee

FFS/GFR/SFS

ST/DEF/PT/PTA

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ _____ Other Costs for: _____

\$ _____ Other Costs for: _____

\$ 9415.00 TOTAL

☐ The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered RCW 9A.753. A restitution hearing

☐ shall be set by the prosecutor

☐ is scheduled for _____

☒ RESTITUTION Order Attached

[X] Restitution ordered above shall be paid jointly and severally with.

	NAME of other defendant	CAUSE NUMBER	(Victim name)	(Amount-\$)
RJN	JOSHUA REESE	10-1-01902-4	CVC	\$ 6619.22
	KIYOSHI HIGASHI	10-1-01901-6	CVC	\$ 6619.22
	CLABON BERNIARD	10-1-01904-1	CVC	\$ 6619.22

[] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction RCW 9.94A.7602, RCW 9.94A.760(8)

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[] **COSTS OF INCARCERATION** In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.150, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

4.16 **ELECTRONIC MONITORING REIMBURSEMENT.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

[X] **DNA TESTING** The defendant shall have a blood sample taken for DNA analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

[] **HIV TESTING.** The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 **NO CONTACT**
The defendant shall not have contact with _____ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).
[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

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- 4.4 OTHER: Property may have been taken into custody in conjunction with this case. Property may be returned to the rightful owner. Any claim for return of such property must be made within 90 days. After 90 days, if you do not make a claim, property may be disposed of according to law

All property forfeited

- 4.4a BOND IS HEREBY EXONERATED

- 4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

- (a) CONFINEMENT. RCW 9A4A 589 Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

<u>548</u> months on Count <u>I</u>	<u>171</u> months on Count <u>II</u>
<u>84</u> months on Count <u>III</u>	<u>171</u> months on Count <u>IV</u>
<u>84</u> months on Count <u>V</u>	<u>116</u> months on Count <u>VI</u>

A special finding/verdict has been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

<u>60</u> months on Count No <u>I</u>	<u>60</u> months on Count No <u>II</u>
<u>36</u> months on Count No <u>III</u>	<u>60</u> months on Count No <u>IV</u>
<u>36</u> months on Count No <u>V</u>	<u>60</u> months on Count No <u>VI</u>

Sentence entered pursuant to Counts I, II, III, IV, V, VI

☐ concurrent ☒ consecutive to each other

Sentence enhancements in Counts I, II, III, IV, V, VI shall be served

☒ flat time ☐ subject to earned good time credit

Actual number of months of total confinement ordered is 860

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

☒ The confinement time on Count(s) I contain(s) a mandatory minimum term of 240 MOS

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9A4A 589 All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with

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juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers: RCW 9A4A 589- _____

Confinement shall commence immediately unless otherwise set forth here: _____

(c) The defendant shall receive a credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9A4A 505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court. Booked 05-04-2010

4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Court _____ for _____ months;

Court _____ for _____ months;

Court _____ for _____ months;

☒ COMMUNITY CUSTODY To determine which offenses are eligible for or required for community custody see RCW 9A4A 701

(A) The defendant shall be on community custody for the longer of

(1) the period of early release RCW 9A4A 728(1)(2), or

(2) the period imposed by the court, as follows:

Court(s) I _____ 36 months for Serious Violent Offenses

Court(s) II, III, IV, V, VI _____ 18 months for Violent Offenses

Court(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a prohibited person or individual)

(B) While on community placement or community custody, the defendant shall (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) abide by any additional conditions imposed by DOC under RCW 9A4A 704 and 706 and (10) for sex offenses, submit to electronic monitoring if imposed by DOC. The defendant's residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9A4A 712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The court orders that during the period of supervision the defendant shall

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☐ consume no alcohol
☒ have no contact with
☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____

☐ not serve in any paid or volunteer capacity where he or she has control or supervision of minors under 13 years of age

☐ participate in the following crime-related treatment or counseling services: _____

☐ undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse
☐ mental health ☐ anger management and fully comply with all recommended treatment
☐ comply with the following crime-related prohibitions: _____

☐ Other conditions: _____

☐ For sentences imposed under RCW 9A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days.

Court-Ordered Treatment. If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9A.562.

PROVIDED. That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense.

47 ☐ **WORK ETHIC CAMP.** RCW 9A.490, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

48 **OFF LIMITS ORDER** (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.305. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7605.

5.4 **RESTITUTION HEARING**

[X] Defendant waives any right to be present at any restitution hearing (sign initials) _____

5.5 **CRIMINAL ENFORCEMENT AND CIVIL COLLECTION.** Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 **FIREARMS** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identification, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047

5.7 **SEX AND KIDNAPPING OFFENDER REGISTRATION** RCW 9A.44.010, 9A.44.020

N/A

5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285

5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562

5.10 **OTHER** _____

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DONE in Open Court and in the presence of the defendant this date May 13, 2011

JUDGE

Print name

[Signature]
Buchanan

Deputy Prosecuting Attorney

Print name MARY E. ROBBETTWSB # 21129

Attorney for Defendant

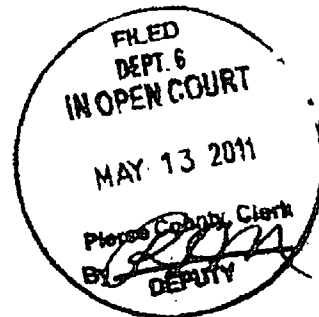
Print name MARK S. STANLEYWSB # 241623

Defendant

Print name Amanda Christine Knight

VOTING RIGHTS STATEMENT: RCW 10 64 140 I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9 90A.637, b) A court order issued by the sentencing court restoring the right, RCW 9 92.066, c) A final order of discharge issued by the indeterminate sentence review board, RCW 9 96.050, or d) A certificate of restoration issued by the governor, RCW 9 96.020. Voting before the right is restored is a class C felony, RCW 92A.84 660.

Defendant's signature

Amanda Knight

JUDGMENT AND SENTENCE (JS)

(Felony) (7/2007) Page 10 of 12

Office of Prosecuting Attorney
930 Tacoma Avenue S. Room 944
Tacoma, Washington 98402-2171
Telephone: (253) 798-7400

Case Number: 10-1-01903-2 Date: May 18, 2011

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State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that the document
SerialID: FAEE0FC1-F20D-AA3E-594F2A1F7105FF45 containing 15 pages
plus this sheet, is a true and correct copy of the original that is of record in my
office and that this image of the original has been transmitted pursuant to
statutory authority under RCW 5.52.050. In Testimony whereof, I have
electronically certified and attached the Seal of said Court on this date.



Kevin Stock, Pierce County Clerk

By /s/Chris Hutton, Deputy.

Dated: May 16, 2011 3:30 PM



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The copy associated with this number will be displayed by the Court.

No. 423130-5-II

STATE OF WASHINGTON,
Respondent,

v.

AMANDA KNIGHT,
Appellant.

Appendix II Court's Instructions to the Jury

INSTRUCTION NO. 35

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this case in an orderly and reasonable manner, that you discuss each issue submitted for your decision fully and fairly, and that each one of you has a chance to be heard on every question before you.

During your deliberations, you may discuss any notes that you have taken during the trial, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes and memory as to the testimony presented in this case. Testimony will rarely, if ever, be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask the court a legal or procedural question that you have been unable to answer, write the question out simply and clearly. For this purpose, use the form provided in the jury room. In your question, do not state how the jury has voted. The presiding juror should sign and date the question and give it to the judicial assistant. I will confer with the lawyers to determine what response, if any, can be given.

You will be given the exhibits admitted in evidence, these instructions, and 6 verdict forms for recording your verdict. Some exhibits and visual aids may have been used in court but will not go with you to the jury room. The exhibits that have been admitted into evidence will be available to you in the jury room.

You must fill in the blank provided in each verdict form the words "not guilty" or the word "guilty", according to the decision you reach.

You will also be given special verdict forms for the crime of Murder in the First Degree as charged in Count I, Robbery in the First Degree as charged in Count II, Assault in the Second Degree as charged in Count III, Robbery in the First Degree as charged in Count IV, Assault in the Second Degree as charged in Count V, and Burglary in the First Degree as charged in Count VI. If you find the defendant not guilty of any of these crimes, do not use the special verdict forms for that count. If you find the defendant guilty of any of these crimes, you will then use the special verdict forms. In order to answer the special verdict forms "yes," all twelve of you must unanimously be satisfied beyond a reasonable doubt that "yes" is the correct answer. ~~If you do not unanimously agree that the answer is "yes"~~ then the presiding juror should sign the section of the special verdict form indicating that the answer has been intentionally left blank.

Because this is a criminal case, each of you must agree for you to return a verdict. When all of you have so agreed, fill in the verdict forms to express your decision. The presiding juror must sign the verdict forms and notify the judicial assistant. The judicial assistant will bring you into court to declare your verdict

INSTRUCTION NO. 40

If you find the defendant guilty of Robbery in the First Degree as charged in Count II, then you must determine if any of the following aggravating circumstances exist:

(1) Whether the defendant's conduct during the commission of the crime manifested deliberate cruelty to the victim; and/or

(2) Whether the defendant used a high degree of sophistication or planning when committing this crime.

INSTRUCTION NO. 41

If you find the defendant guilty of Assault in the Second Degree as charged in Count III, then you must determine if any of the following aggravating circumstances exist.

(1) Whether the defendant's conduct during the commission of the crime manifested deliberate cruelty to the victim; and/or

(2) Whether the defendant used a high degree of sophistication or planning when committing this crime

INSTRUCTION NO. 42

If you find the defendant guilty of Robbery in the First Degree as charged in Count IV, then you must determine if any of the following aggravating circumstances exist.

(1) Whether the defendant's conduct during the commission of the crime manifested deliberate cruelty to the victim; and/or

(2) Whether the defendant used a high degree of sophistication or planning when committing this crime

INSTRUCTION NO. 43

If you find the defendant guilty of Assault in the Second Degree as charged in Count V, then you must determine if any of the following aggravating circumstances exist:

(1) Whether the defendant's conduct during the commission of the crime manifested deliberate cruelty to the victim, and/or

(2) Whether the defendant used a high degree of sophistication or planning when committing this crime.

INSTRUCTION NO. 44

If you find the defendant guilty of Burglary in the First Degree as charged in Count VI, then you must determine if any of the following aggravating circumstances exist:

- (1) Whether the defendant's conduct during the commission of the crime manifested deliberate cruelty to the victim, and/or
- (2) Whether the defendant used a high degree of sophistication or planning when committing this crime.

INSTRUCTION NO. 45

For purposes of a special verdict, the State must prove beyond a reasonable doubt that the defendant was armed with a firearm at the time of the commission of the crime in Counts I, II, III, IV, V, and VI.

If one participant in a crime is armed with a firearm, all accomplices to that participant are deemed to be so armed, even if only one firearm is involved.

A "firearm" is a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

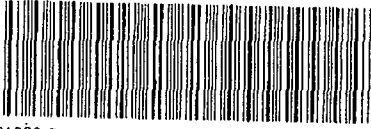
No. 423130-5-II

STATE OF WASHINGTON,
Respondent,

v.

AMANDA KNIGHT,
Appellant.

Appendix III Special Verdict Forms



10-1-01903-2 36220494 SVRD 04-14-11

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

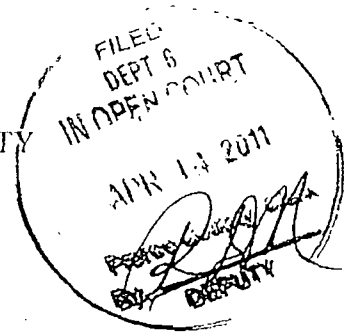
vs

AMANDA CHRISTINE KNIGHT

Defendant.

CAUSE NO 10-1-01903-2

SPECIAL VERDICT FORM



We, the jury, having found the defendant guilty of Murder in the First Degree as charged in Count I and defined in Instruction 8, return a special verdict by answering as follows:

QUESTION 1: Did the defendant's conduct during the commission of the crime manifest deliberate cruelty to the victim?

ANSWER 1: _____ Write "yes" if unanimous agreement that this is the correct answer.

QUESTION 2: Did the defendant use a high degree of sophistication or planning when committing this crime?

ANSWER 2: _____ Write "yes" if unanimous agreement that this is the correct answer.

DATE

PRESIDING JUROR

In the section above, the unanswered questions, if any, were deliberately left blank

4/13/2011
DATE

Dean C. Tapp
PRESIDING JUROR



10-1-01903-2 36220504 SVRD 04-14-11

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

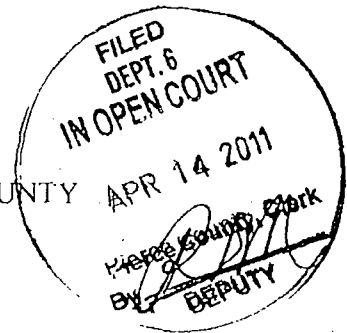
vs.

AMANDA CHRISTINE KNIGHT

Defendant.

CAUSE NO. 10-1-01903-2

SPECIAL VERDICT FORM



We, the jury, having found the defendant guilty of Robbery in the First Degree as charged in Count II and defined in Instruction 2, return a special verdict by answering as follows:

QUESTION 1: Did the defendant's conduct during the commission of the crime manifest deliberate cruelty to the victim?

ANSWER 1: _____ Write "yes" if unanimous agreement that this is the correct answer.

QUESTION 2: Did the defendant use a high degree of sophistication or planning when committing this crime?

ANSWER 2: _____ Write "yes" if unanimous agreement that this is the correct answer

DATE

PRESIDING JUROR

In the section above, the unanswered questions, if any, were deliberately left blank.

DATE

PRESIDING JUROR

4/13/2011



10-1-01903-2 36220506 SVRD 04-14-11

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

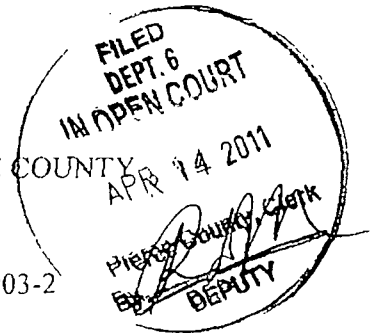
vs

AMANDA CHRISTINE KNIGHT

Defendant.

CAUSE NO 10-1-01903-2

SPECIAL VERDICT FORM



We, the jury, having found the defendant guilty of Assault in the Second Degree as charged in Count III and defined in Instruction 19, return a special verdict by answering as follows:

QUESTION 1: Did the defendant's conduct during the commission of the crime manifest deliberate cruelty to the victim?

ANSWER 1: Write "yes" if unanimous agreement that this is the correct answer.

QUESTION 2: Did the defendant use a high degree of sophistication or planning when committing this crime?

ANSWER 2: Write "yes" if unanimous agreement that this is the correct answer.

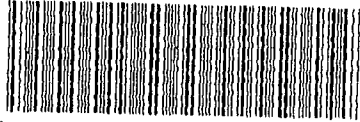
DATE

PRESIDING JUROR

In the section above, the unanswered questions, if any, were deliberately left blank.

4/13/2011
DATE

[Signature]
PRESIDING JUROR



10-1-01903-2 36220507 SVRD 04-14-11

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

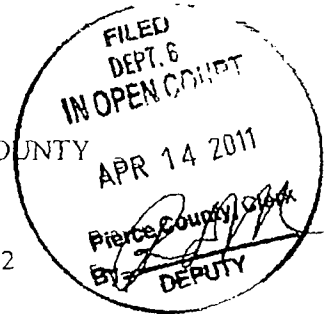
vs

AMANDA CHRISTINE KNIGHT

Defendant.

CAUSE NO. 10-1-01903-2

SPECIAL VERDICT FORM



We, the jury, having found the defendant guilty of Robbery in the First Degree as charged in Count IV and defined in Instruction 12, return a special verdict by answering as follows:

QUESTION 1: Did the defendant's conduct during the commission of the crime manifest deliberate cruelty to the victim?

ANSWER 1. _____ Write "yes" if unanimous agreement that this is the correct answer.

QUESTION 2: Did the defendant use a high degree of sophistication or planning when committing this crime?

ANSWER 2. _____ Write "yes" if unanimous agreement that this is the correct answer.

DATE

PRESIDING JUROR

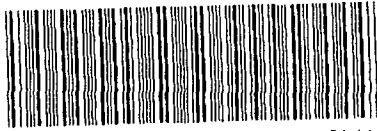
In the section above, the unanswered questions, if any, were deliberately left blank.

DATE

PRESIDING JUROR

4/13/2011

Dean C. Tappe



10-1-01903-2 36220511 SVRD 04-14-11

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

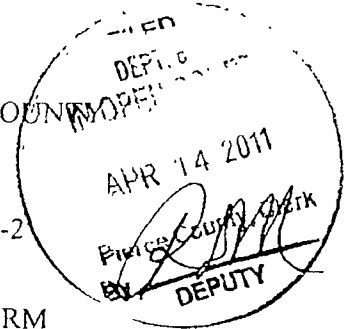
vs

AMANDA CHRISTINE KNIGHT

Defendant

CAUSE NO. 10-1-01903-2

SPECIAL VERDICT FORM



We, the jury, having found the defendant guilty of Assault in the Second Degree as charged in Count V and defined in Instruction 9, return a special verdict by answering as follows.

QUESTION 1: Did the defendant's conduct during the commission of the crime manifest deliberate cruelty to the victim?

ANSWER 1: _____ Write "yes" if unanimous agreement that this is the correct answer

QUESTION 2: Did the defendant use a high degree of sophistication or planning when committing this crime?

ANSWER 2: _____ Write "yes" if unanimous agreement that this is the correct answer

DATE

PRESIDING JUROR

In the section above, the unanswered questions, if any, were deliberately left blank.

DATE

PRESIDING JUROR

4/13/2011

IN THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

THE STATE OF WASHINGTON)
COUNTY OF PIERCE) ss. DECLARATION OF MAILING

I, Amanda Knight, state that on this 25th day of May,
2 012, I deposited in the mail of the United States of America a properly stamped
envelope containing a copy of the following described documents:
Statement of Additional Grounds with Appendices was placed in the
prison legal mail system per GR 3.1

I further state that I sent these copies to the following addresses:
Court of Appeals, Div. II Pierce Co. Pros. Atty. Melody Crick
950 Broadway, Suite 300 930 Tacoma Ave. S., Rm. 946
Tacoma, WA 98402-4454 Tacoma, WA 98402-2171
John R. Crowley, Atty. 506 2nd Ave., Ste 1015, Seattle, WA 98104-2328

Dated: _____

Amanda Knight

Signature
349443

Print Name & DOC

Washington Correction Center for Women
9601 Bujacich Rd. N.W.
Gig Harbor, Washington 98332-8300